



**IN THE MATTER OF AN APPEAL TO THE FIRST-TIER TRIBUNAL (INFORMATION RIGHTS)  
UNDER SECTION 57 OF THE FREEDOM OF INFORMATION ACT 2000**

**Appeal No: EA/2012/0025**

**BETWEEN:**

**LONDON BOROUGH OF CROYDON**

**Appellant**

**and**

**THE INFORMATION COMMISSIONER**

**Respondent**

**and**

**JOHN LAING PLC**

**Second Respondent**

**BEFORE:**

**ANISA DHANJI**

**JUDGE**

**and**

**ANNE CHAFER AND NIGEL WATSON**

**PANEL MEMBERS**

---

**CONSENT ORDER APPROVAL**

---

**PURSUANT** to Rule 37(1) of the Tribunal Procedure (First-tier) (General Regulatory Chamber) Rules 2009, the Tribunal approves the Consent Order in this matter in the form attached hereto, which has been agreed by all parties and dated 24<sup>th</sup> July 2012.

Signed:

**Anisa Dhanji**

Tribunal Judge

Dated: 24 July 2012

**IN THE MATTER OF AN APPEAL TO THE FIRST TIER TRIBUNAL  
UNDER SECTION 57 OF THE FREEDOM OF INFORMATION ACT 2000**

**Appeal No: EA/2011/0025**

**BETWEEN:**

**LONDON BOROUGH OF CROYDON**

**Appellant**

**and**

**THE INFORMATION COMMISSIONER**

**Respondent**

**and**

**JOHN LAING PLC**

**Second Respondent**

---

**CONSENT ORDER**

---

Pursuant to Rule 37(1) of the Tribunal Procedure (First Tier Tribunal) (General Regulatory Chamber) Rules 2009

**IT IS ORDERED BY CONSENT THAT:**

1. The Commissioner's Decision Notice number FS50379408 dated 20 December 2011 is substituted as follows:

The disputed information (as defined in Annex A), is exempt under regulation 12(5)(e) of the Environmental Information Regulations 2004 ("EIR"), and the public interest in maintaining that exception outweighs the public interest in disclosure.

2. There shall be no order as to costs.

**Signed:**

**Date: 24 July 2012**

**Anisa Dhanji  
Tribunal Judge**

## **ANNEX A**

### **Statement of reasons for consent order**

1. This appeal is brought against a Decision Notice dated 20 December 2011 (reference FS50379408). That Decision Notice was concerned with the following information:
  - (i) The value of various A and B loans and transfer values for a number of different sites marked for development (page 37 to 41 of the Conditional Sale and Development Agreement);
  - (ii) Details of John Laing plc's professional liability insurance;
  - (iii) The price change matrix attached to Annexure 4 of the Conditional Sale and Development Agreement ;
  - (iv) The development property fee and new council property fee (page 59 of the Property and Development Management Agreement).
2. By way of his Decision Notice, the Commissioner decided that item (i) was exempt under regulation 12(5)(e) of the EIR. However, the Commissioner found that regulation 12(5)(e) was not engaged in respect of items (ii) to (iv) and ordered this information to be disclosed.
3. The Appellant appealed only against the Commissioner's findings in relation to items (iii) and (iv) (hereafter "the disputed information").
4. In the light of the witness evidence filed on behalf of the Appellant in the course of these proceedings, the Commissioner is now satisfied that the disputed information is exempt under regulation 12(5)(e) and that the public interest in maintaining that exception outweighs the public interest in disclosure.